

ORDINANCE NO. 188

AN ORDINANCE TO REGULATE THE SALE AND HANDLING OF MILK IN THE CITY OF LODI; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The City Council of the City of Lodi does ordain as follows:

SECTION I.

DEFINITIONS: Definitions of terms as used in this ordinance shall be identical with those of the same terms as used in the General Dairy Law of California (Chapter 392 of the Statutes of California, 1923, and all amendments thereto up to August 17, 1931) and the Pure Milk Law of California (Chapter 888 of the Statutes of California, 1927, and all amendments thereto up to August 17, 1931) except as hereinafter provided.

The term "milk" as used herein shall be construed to mean the milk of cows and/or goats without exception, as distinguished from the milk of sheep or other animals, which is supplied to the consumer in the natural fluid state, or prepared for human consumption without being converted to any other form or product, as distinguished from manufacturing milk.

Milk shall contain not less than three and four-tenths per cent (3.4%) of milk fat as a minimum.

The term "Health Officer" shall be construed to mean the District Health Officer of the San Joaquin Local Health District, or his authorized representatives.

SECTION II.

CERTAIN SALES PROHIBITED: It shall be unlawful for any person, firm, association or corporation, by themselves or their agents or employees, to bring into or receive into the City of Lodi, for sale, or to sell, offer or expose for sale or exchange, present or deliver to any creamery, milk pasteurizing plant or other buyer, consumer or user of milk, or to knowingly purchase or receive any milk which does not conform wholly and in all parts to, or which has not been produced, handled, transported,

processed, labeled, kept or sold in accordance with all the provisions of the **General Dairy Law** of California and the **Pure Milk Law** of California, the rules and regulations promulgated thereunder, and the provisions of this ordinance.

**SECTION III.**

**KEEPING MILK:** It shall be unlawful for any person, firm, association or corporation keeping any milk in any store, restaurant, bakery or other establishment to fail, refuse or neglect to keep the same, at all times before the sale or use thereof, in a clean, well-drained cooler or refrigerator. Such cooler or refrigerator shall be maintained at a temperature not exceeding fifty degrees (50 ) Fahrenheit at any time and shall at all times be kept in a clean and sanitary condition.

**SECTION IV.**

**REMOVAL OF CONTAINERS:** It shall be unlawful for any person, firm, association or corporation to remove bottles or other containers in which milk has been delivered, from any premises where there exists or has existed during the time of such delivery any case of any disease designated by the Health Officer as liable to transmission by the removal of such bottles or other containers, except upon the order of such Health Officer.

**SECTION V.**

**PERMITS:** No person, firm, association or corporation engaged in the production, processing or distribution of milk for retail redistribution, shall produce for sale, sell, offer for sale, distribute or have in his or their charge or possession for sale or distribution in the City of Lodi, any milk without first obtaining a permit from the Health Officer to conduct such business or distribution nor shall any person sell, offer for sale or have in his charge, custody or control any milk purchased, acquired or received from or produced by any person, firm, association or corporation engaged in the production, processing or distribution of milk for retail redistribution, who has not secured or does not possess at that time such a permit.

Applications for permits to engage in the production, processing

or distribution of milk for retail redistribution in the City of Lodi shall be made in writing to the Health Officer on forms furnished by his office, not less than five days prior to the time it is desired to engage in or begin such business.

In no case shall a permit be issued to any person, firm, association or corporation subject to the provisions of this ordinance until the Health Officer has determined that such person, firm, association or corporation has complied with all the provisions of the General Dairy Law of California and the Pure Milk Law of California, of the rules and regulations promulgated thereunder, and of this ordinance.

In no case shall a permit be issued to any person, firm, association or corporation to sell or expose for sale or exchange, deliver or distribute any milk in the City of Lodi unless the dairy, source of supply or place of origin is regularly inspected by the Health Officer.

No permit issued under the provisions of this ordinance shall be sold, assigned or transferred.

Permits issued under the provisions of this ordinance may be revoked by the Health Officer upon the violation by the holder of any of the provisions of this ordinance or in any emergency when in the judgment of the Health Officer the milk supply in question has become a public health menace.

#### SECTION VI.

**TUBERCULIN TEST:** It shall be unlawful for any person, firm, association or Corporation to sell or exchange or offer for sale or exchange for human consumption any milk from animals that have not passed a tuberculin test applied annually by a qualified veterinarian in the full-time employ of the Department of Agriculture of the State of California, or a veterinarian acceptable to and designated by said Department. If reacting animals are found they must be removed from the herd immediately by the owner, must thereafter be kept separate and apart from any and all animals whose milk is produced for human consumption, and the non-reacting animals remaining in the herd must

be again tested in not less than sixty (60) days nor more than six (6) months by the veterinarian herein designated.

After one year from date of passage of this ordinance, new permits, as required by Section Five (V) of this ordinance shall not be issued for the production, sale or distribution of milk until it has been demonstrated that herds producing such milk contain less than twenty per cent (20%) of reactors.

No animal shall be admitted to a herd producing milk under the provisions of this ordinance unless said animal shall come from a herd of non-reacting tuberculin tested animals, and said animal shall be again tested for tuberculosis if in the discretion of the Health Officer such re-test is deemed necessary.

A certificate signed by the veterinarian hereinbefore designated and filed with the Health Officer shall be the only valid evidence of the foregoing tests.

Premises upon which animals reacting to the tuberculin test have been found, shall, immediately after the removal of such reactors, be thoroughly disinfected in a manner prescribed by the Health Officer,  
SECTION VII.

GRADING OF MILK: All milk sold or distributed in the City of Lodi shall be graded as hereinafter provided and it shall be unlawful for any producer, distributor or dealer to sell or offer for sale, exchange or distribution, or to present or deliver in said City of Lodi any milk which fails to conform to said grading.

1. Certified Milk.
2. Guaranteed Milk.
3. Grade A Raw Milk.
4. Grade A Pasteurized Milk.

All grades of milk shall be produced and handled under and shall conform in every way to the provisions of the Pure Milk Law of California, to the rules and regulations promulgated thereunder, and to the provisions of this ordinance relating to said grades, except as hereinafter provided.

(a) The maximum bacterial count on Grade A Pasteurized milk before pasteurization shall be fifty thousand (50,000) per milliliter.

(b) All persons engaged in operating a pasteurizer for the processing of Grade A Pasteurized milk shall first obtain and hold a written permit to do so from the Health Officer, said permit to be known as a pasteurizer's permit. Upon receipt of an application for such permit, the Health Officer shall examine into the qualifications of the applicant and every applicant shall satisfy said Health Officer of his qualifications and shall have a thorough knowledge of the provisions of the law with which he must comply.

Any pasteurizer's permit may be suspended or revoked by the Health Officer for violation by the holder thereof, of any of the provisions of the Pure Milk Law of California, the rules and regulations promulgated thereunder, or of this ordinance.

(c) Grade A Raw Milk shall conform to the following requirements as a minimum: It shall originate from cows and/or goats, the health of which shall be determined by physical examination once each month by the Health Officer and by a tuberculin test as required by Section Six (VI) of this ordinance. It shall be produced on dairies which score not less than eighty per cent (80%) on the dairy farm score card adopted by the Department of Agriculture of the State of California. It shall be cooled in accordance with the provisions of the Pure Milk Law of California and the rules and regulations promulgated thereunder and on delivery to the consumer it shall contain not more than fifteen thousand (15,000) bacteria per milliliter, and not less than three and four tenths per cent (3.4%) of milk fat. All persons who come in contact with Grade A Raw milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable disease liable to be conveyed by milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examination by the Health Officer, conducted at the time of employment and every six months thereafter,

SECTIOX VIII.

TRANSFERRING OR DIPPING MILK: No person shall transfer any milk from one receptacle to another upon any street or sidewalk or upon any vehicle or in any place except a bottling or milk room especially designed and equipped for that purpose except as may be permitted in writing by the Health Officer in the case of milk being delivered in bulk. The sale of dip or dipped milk is hereby expressly prohibited.

SECTION IX.

SALE OF MILK IN CERTAIN CONTAINERS: It shall be unlawful for any person, firm, association or corporation, their agents or employees, to distribute, sell, offer for sale or keep with the intention of selling any milk in quantities of one gallon or less unless said milk is contained in tightly closed bottles which have been filled and mechanically capped or sealed in a bottling room properly designed and equipped for that purpose.

SECTION X.

LABELING O3 CONTAINERS: When milk is distributed by any person, firm, association or corporation not regularly engaged in the business of producing, processing or bottling milk, the name and address of the person, firm, association or Corporation producing, processing or bottling such milk as well as the name and address of the distributor shall appear plainly and conspicuously on or be securely attached to every bottle cap, bottle, can or other container.

The distributor shall be responsible for the quality of the contents and the correct labeling of every container of milk as required by this section.

The provisions of this section shall not apply to milk sold under a label or cap on which is displayed only the name and address of the original producer or processor.

SECTION XI.

PENALTY: Any person, firm, association or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of

not less than twenty-five (\$25.00) **dollars** nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

SECTION XII.

~~REPEAL~~ OF CONFLICTING ORDINANCES: Ordinance No. 143 of the Ordinances of the City of Lodi and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION XIII.

UNCONSTITUTIONALITY CLAUSE: If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION XIV:

DATE OF EFFECT: This ordinance shall be in full force and effect from and after thirty (30) days from the date of its final passage and approval.

Approved and signed this first day of February, 1932

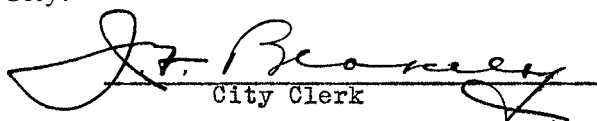
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Mayor of the City of Lodi

I, J. F. BLAKELY, City Clerk of the City of Lodi and ex-officio Clerk of the City Council of said City do hereby certify that the foregoing ORDINANCE NO. 188, was regularly introduced at a regular meeting of the City Council held January 18, 1932 and thereafter, on the 1st day of February, 1932, regularly passed and adopted by the following vote:-

AYES: Councilmen, Steele, Keagle, Roach, Weihe and Spooner.  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

I also certify that the said Ordinance has been approved and signed by the Mayor of said City.

  
City Clerk